

EX. 6

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JARI McPHERSON, JERALD	§	
SAMS, and DANIEL	§	
MARTINEZ,	§	
	§	
Plaintiffs,	§	
	§	
	§	CASE NUMBER
v.	§	1:20-cv-01223-RP
	§	
	§	
TEXAS DEPARTMENT OF	§	
PUBLIC SAFETY, and	§	
Director Steven C.	§	
McCraw, in his	§	
official capacity,	§	
	§	
Defendants.	§	

ORAL DEPOSITION
(VIA ZOOM VIDEOCONFERENCING)
OF
FACT WITNESS
HEATHER KRUEGER

TUESDAY, DECEMBER 6, 2022

- - -

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<p style="text-align: right;">22</p> <p>1 spouse pointed out that they had loaded a four-</p> <p>2 wheeler in the back of one of the trucks. Also</p> <p>3 some things stood out, it wasn't large, but a</p> <p>4 shop vac, some tools, various items like that out</p> <p>5 of the garage.</p> <p>6 Q. And was it your perception that those</p> <p>7 should not have been removed?</p> <p>8 A. That is my understanding, yes, ma'am.</p> <p>9 Q. Do you know whether or not the spouse</p> <p>10 and Agent -- is it Officer Hernandez -- had</p> <p>11 agreed that those things would come with him?</p> <p>12 A. The spouse on scene had said no, they</p> <p>13 could not go.</p> <p>14 Q. What ultimately happened to those</p> <p>15 items? Were they removed and put back?</p> <p>16 A. Yes.</p> <p>17 Q. What else did you learn, if anything,</p> <p>18 from Officer Hernandez about items that -- that</p> <p>19 he and his spouse had agreed would be removed</p> <p>20 from the premises?</p> <p>21 A. His clothing, his toiletries, and any</p> <p>22 medication.</p> <p>23 Q. And you spoke personally with the</p> <p>24 spouse; is that correct?</p> <p>25 A. Yes, ma'am. With the Deputy present.</p>	<p style="text-align: right;">24</p> <p>1 then there's the written statement, which I</p> <p>2 presume is a Sworn Statement, that you submitted</p> <p>3 to the OIG; is that correct?</p> <p>4 MS. COLLINS: Objection;</p> <p>5 form.</p> <p>6 You can answer.</p> <p>7 A. I did a copy and paste, and then got</p> <p>8 rid of the notes because I had the affidavit.</p> <p>9 BY MS. SCHULMAN:</p> <p>10 Q. Okay. Did you communicate in any</p> <p>11 form, such as an email or a text message, to</p> <p>12 anyone in your chain of command regarding the</p> <p>13 incident where you were called to the scene by --</p> <p>14 at the request of Gabe Nava?</p> <p>15 MS. COLLINS: Objection;</p> <p>16 form.</p> <p>17 You can answer.</p> <p>18 A. I don't recall specifically. I would</p> <p>19 like to think there was probably some form of a</p> <p>20 text at some point. I know a lot of it was</p> <p>21 handled by phone calls directly.</p> <p>22 BY MS. SCHULMAN:</p> <p>23 Q. And who did you speak with on the</p> <p>24 phone about this -- who was the first person that</p> <p>25 you recall speaking on the phone about this</p>
<p style="text-align: right;">23</p> <p>1 Q. Did you take notes or create any kind</p> <p>2 of record subsequent to this incident where these</p> <p>3 various statements and claims were reported?</p> <p>4 MS. COLLINS: Objection;</p> <p>5 form.</p> <p>6 But you can answer.</p> <p>7 A. Yes. During the course of the OIG</p> <p>8 investigation, I did a written statement.</p> <p>9 BY MS. SCHULMAN:</p> <p>10 Q. Okay. When was that written</p> <p>11 statement created?</p> <p>12 A. I don't know the date.</p> <p>13 Q. Okay. Was it months later?</p> <p>14 A. I don't recall.</p> <p>15 Q. Prior to giving a written statement,</p> <p>16 did you create any notes about this event?</p> <p>17 A. I did write up a Word document that</p> <p>18 became the affidavit.</p> <p>19 Q. Okay. And is the written statement</p> <p>20 you were referring to for the OIG the same as the</p> <p>21 affidavit that you're referencing?</p> <p>22 A. Yes, with a bit more detail because</p> <p>23 it included the interview with the OIG.</p> <p>24 Q. So there are actually two documents.</p> <p>25 There's a Word document that you created, and</p>	<p style="text-align: right;">25</p> <p>1 matter?</p> <p>2 A. While it was playing out, I was</p> <p>3 notified, as previously mentioned, by Lieutenant</p> <p>4 Nova -- at the time, Lieutenant Nava, then I</p> <p>5 notified Danny's Captain because I knew he lived</p> <p>6 on the east side and could get there faster than</p> <p>7 me, that he was not in a position to respond, to</p> <p>8 hold the scene until I arrived.</p> <p>9 And then I notified by Major, after I</p> <p>10 called the other Captain, and that Major at the</p> <p>11 time was Major Shane Byrd.</p> <p>12 Q. All right. And you said you called</p> <p>13 the other Captain, that other Captain being Danny</p> <p>14 Martinez's supervisor?</p> <p>15 A. Correct.</p> <p>16 Q. And so after you got there and you</p> <p>17 spoke with people. I presume you spoke to</p> <p>18 everybody on the scene at one point or another?</p> <p>19 A. Not every Deputy, no.</p> <p>20 Q. No, I'm sorry. That was a really</p> <p>21 unreasonable question.</p> <p>22 I meant of the people that -- the DPS</p> <p>23 people there, did you speak with all of them?</p> <p>24 A. Yes, ma'am. The four, yes, I did.</p> <p>25 Q. And you spoke to the Deputy who had</p>

<p style="text-align: right;">38</p> <p>1 DPS and what we allowed our personnel to do. 2 So long term we did modify. We 3 honestly and obviously hope we don't have these 4 situations with our personnel in the future. We 5 have modified it should this come up. What we 6 would do in a civil standby is it will be 7 Captains and Majors to respond, not any other 8 rank, if at all avoidable. 9 BY MS. SCHULMAN: 10 Q. Okay. So you indicated that there 11 was a communication somehow from the Sheriff's 12 Department that this impacted their willingness 13 to work with Calvin Green and Danny Martinez; is 14 that correct? 15 A. Yes, ma'am. 16 Q. How do you know about that, that 17 unwillingness to work with these individuals? 18 A. Direct conversation with the El Paso 19 County Sheriff's Department Commander. 20 Q. And who was that? 21 A. Urrutia. Commander Urrutia. 22 Q. Urrutia. 23 MS. COLLINS: Could 24 you spell that for the court 25 reporter if you're capable of</p>	<p style="text-align: right;">40</p> <p>1 Sheriff's Department Deputies. 2 Q. And so was that a -- at this point, 3 did Danny Martinez and Calvin Green's name come 4 up in that conversation, or was it just a 5 generic, "We have concerns about how things 6 happened" kind of comment? 7 A. He specifically addressed those -- 8 about those two, and in general the fact of the 9 entire situation of the civil standby, rightly 10 so. 11 And then I do not recall whose 12 written statements, but within the Sheriff's 13 Department report they were mentioned 14 specifically by one of the Deputies. Their names 15 were mentioned in the report for their behavior 16 on scene. 17 And then also, later, months down the 18 road, I don't recall when, but there was 19 discussion about Lieutenant Martinez coming back 20 out, and I know to being -- wanting to transfer 21 back out to El Paso. And obviously that was a 22 concern with working with another agency with 23 that impact or could everyone start moving 24 forward. 25 (Jerald Sams enters the videoconference.)</p>
<p style="text-align: right;">39</p> <p>1 doing so? 2 THE WITNESS: I may be 3 off on the spelling and also the 4 pronunciation, but it's U-R-R-I-T-A 5 [sic]. I can look in my phone 6 contact to get his exact spelling 7 if you'd like that. 8 MS. COLLINS: You can 9 do that on a break, if necessary. 10 THE WITNESS: My 11 apologies. I don't mean to 12 disrespect him for spelling his 13 name wrong. 14 BY MS. SCHULMAN: 15 Q. So you had a telephone conversation 16 with that individual. 17 When did that telephone conversation 18 take place? 19 A. So you said "telephone," but there 20 was an in person when I was directed to go pick 21 up the body cameras and statements. That's who I 22 met with was the Commander, yes, ma'am. 23 So he set it up that moment. He had 24 concerns regarding how our personnel were 25 behaving at the scene, and how they treated the</p>	<p style="text-align: right;">41</p> <p>1 So that's when I was tasked by the 2 new Major to reach out to Commander Urrutia 3 because the new Major had not met him yet, and 4 just set up the call with the current Major, 5 which is Major Matt Mull, with the Commander. 6 So I called the Commander and then by 7 phone introduced him to the Major -- the new 8 Major, Major Mull, and then Major Mull talked to 9 the Commander regarding that whole situation. 10 Q. Were you part of that telephone 11 conversation other than making the introduction? 12 A. No, ma'am. That was between the 13 Major and the Commander. 14 Q. At any point did you receive any kind 15 of written communication from the Sheriff's 16 Department regarding -- I touched the wrong 17 thing. I'm sorry. Everything went away for a 18 minute. 19 At any point did you receive any kind 20 of written communication from the Sheriff's 21 Department regarding their concerns about working 22 with Danny Martinez or Calvin Green? 23 A. No, I did not. 24 Q. You indicated that there was a 25 Sheriff's report regarding this incident at</p>

<p style="text-align: right;">42</p> <p>1 Hernandez's home.</p> <p>2 Do you receive a copy of that</p> <p>3 Sheriff's report?</p> <p>4 A. We have that through the OIG, yes,</p> <p>5 ma'am.</p> <p>6 Q. Okay. And did you read it, that</p> <p>7 Sheriff's report?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Do you recall who wrote it?</p> <p>10 A. No, ma'am.</p> <p>11 Q. You mentioned earlier that from your</p> <p>12 perspective Gabe Nava immediately took</p> <p>13 responsibility for his actions during the civil</p> <p>14 standby and his contribution to the problems, and</p> <p>15 that this was a mitigating factor, from your</p> <p>16 perspective.</p> <p>17 Is that a fair assessment of --</p> <p>18 review of what you said?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Did you perceive that Daniel</p> <p>21 Martinez did not also take responsibility for his</p> <p>22 actions at the scene of the civil standby?</p> <p>23 A. Correct.</p> <p>24 Q. Can you give me some perspective</p> <p>25 about the difference between what Gabe Nava said</p>	<p style="text-align: right;">44</p> <p>1 in the garage in the outer area.</p> <p>2 So it took several types of questions</p> <p>3 for me to get out of them, and finally it was</p> <p>4 Calvin who answered it, not Danny, about, "Well,</p> <p>5 we pulled parts out."</p> <p>6 And forgive me, because for the life</p> <p>7 of me I can't remember what you call them, but</p> <p>8 they're the -- they look like little chips. So</p> <p>9 they removed several of those.</p> <p>10 Q. Maybe fuses?</p> <p>11 A. Thank you; yes. Pretty basic. So</p> <p>12 yes, they'd removed several of those.</p> <p>13 And I said, "Well, then, fine."</p> <p>14 When Calvin said, "This is what we</p> <p>15 did," then I said, "Well, then, make it right.</p> <p>16 We've got to fix the truck. Now get me those</p> <p>17 fuses and put them back."</p> <p>18 Then they said they don't know where</p> <p>19 the fuses were. And by that, my understanding is</p> <p>20 they had tossed them into some of the vehicles</p> <p>21 and couldn't locate them.</p> <p>22 So then again, to me, I'm about who's</p> <p>23 going to solve this problem and get it done</p> <p>24 professionally?</p> <p>25 So then Gabe said, "Well, I can go to</p>
<p style="text-align: right;">43</p> <p>1 and did subsequently and what Martinez said and</p> <p>2 did subsequently? I'm just trying to understand</p> <p>3 what it was he failed to do.</p> <p>4 MS. COLLINS: Objection;</p> <p>5 form.</p> <p>6 You can answer.</p> <p>7 A. So an example is when I talked to the</p> <p>8 DPS personnel on scene, Lieutenant Nava stated to</p> <p>9 the effect of "Whatever they're saying, we're</p> <p>10 going to make this right."</p> <p>11 He had not known the vehicle had been</p> <p>12 tampered with, but worked to try to find a</p> <p>13 solution to get it fixed, whereas my initial</p> <p>14 question to all four of them, so that would have</p> <p>15 been the two Lieutenants and two Agents, is what</p> <p>16 I said, to the effect of -- because, again,</p> <p>17 remember, the Sheriff's Department thought it was</p> <p>18 a battery issue -- so I said, "What did you do to</p> <p>19 the battery? What can we do to make this fixed?"</p> <p>20 I don't know anything about engines. I'll be</p> <p>21 upfront about that.</p> <p>22 And they were evasive. Oscar and</p> <p>23 Gabe did not know what had been going on. They</p> <p>24 were in the back bedroom in the house collecting</p> <p>25 the personal items, whereas Calvin and Danny were</p>	<p style="text-align: right;">45</p> <p>1 the auto store and buy the fuses. It's not the</p> <p>2 two that tampered with the vehicle that offered.</p> <p>3 It was Gabe that offered to go get the parts to</p> <p>4 fix it.</p> <p>5 So then he went to Auto Zone. When I</p> <p>6 went back to the Deputies, I also -- please</p> <p>7 understand that this was like a back-and-forth</p> <p>8 going on, too.</p> <p>9 "If you're not giving me the answer,</p> <p>10 and I feel like you're lying by omission at this</p> <p>11 stage to me, I have to go back to the Deputy to</p> <p>12 get more information." And it just dragged it</p> <p>13 out; took more of our time to not fix a problem.</p> <p>14 So then Gabe came back, and they</p> <p>15 attempted to put the fuses back in -- and "they"</p> <p>16 being -- I definitely know it was two Deputies at</p> <p>17 the hood and Gabe, and I took no part of that</p> <p>18 because I would have just damaged it more -- to</p> <p>19 try to make it work, and it still wasn't working.</p> <p>20 So it -- my understanding, not</p> <p>21 directly coming to me from the spouse, is they</p> <p>22 finally were able to get the truck working the</p> <p>23 next morning, tied to what had been pulled out</p> <p>24 and messed with.</p> <p>25 So that is an example -- to me is</p>

<p style="text-align: right;">62</p> <p>1 time.</p> <p>2 BY MS. SCHULMAN:</p> <p>3 Q. Did you deem Lieutenant Martinez to</p> <p>4 be suitable for promotion in November of 2021?</p> <p>5 A. No, I did not put him in my top</p> <p>6 candidates.</p> <p>7 Q. And why did you not put him as one of</p> <p>8 your top candidates?</p> <p>9 A. The primary reason is we had several</p> <p>10 others that brought more to the table in their</p> <p>11 interview form and for what they articulated on</p> <p>12 the 113.</p> <p>13 Q. What specifically did you see in</p> <p>14 these other candidates that you did think were</p> <p>15 suitable for promotion that you did not see in</p> <p>16 Danny Martinez?</p> <p>17 MS. COLLINS: Objection;</p> <p>18 form.</p> <p>19 You can answer.</p> <p>20 A. That's a variety of things, because</p> <p>21 it's -- you look at each individual person, how</p> <p>22 they've interviewed, how they've answered our</p> <p>23 questions, what their experience is, and how they</p> <p>24 articulate those experiences, because everything</p> <p>25 comes off of the 113 -- well, not everything.</p>	<p style="text-align: right;">64</p> <p>1 You can answer.</p> <p>2 A. It's never personal. It's the work</p> <p>3 setting. And so during the process of the Board</p> <p>4 with Lieutenant Martinez, Danny, my recollection</p> <p>5 is that the Board Chair did ask for us to</p> <p>6 elaborate on the 2018 event, so that was</p> <p>7 discussed.</p> <p>8 BY MS. SCHULMAN:</p> <p>9 Q. Okay. So the Board Chair -- and that</p> <p>10 would have been Goodwin, perhaps?</p> <p>11 A. Our Chief, yes, ma'am.</p> <p>12 Q. Chief Goodwin.</p> <p>13 Was he Chief or Assistant Chief at</p> <p>14 that point, do you recall?</p> <p>15 A. I want to say Assistant Chief.</p> <p>16 That's my -- yeah. We just called them "Chief,"</p> <p>17 "Assistant Chief," so I apologize.</p> <p>18 Q. Just called them "boss."</p> <p>19 A. Yeah.</p> <p>20 Q. It's your testimony that Chief</p> <p>21 Goodwin asked everyone to articulate their views</p> <p>22 on Danny Martinez's C-1? I'm not really</p> <p>23 understanding.</p> <p>24 A. So after each applicant, whatever</p> <p>25 they stated as a Board we discussed. It's</p>
<p style="text-align: right;">63</p> <p>1 A large percentage comes off of the</p> <p>2 113s that they submitted, on their work, and what</p> <p>3 they've done so far to date in their career.</p> <p>4 Now that said, too, there's some that</p> <p>5 I put in my top ten that didn't move forward</p> <p>6 because the system, when it moves, you have to</p> <p>7 list in order of your top to the bottom, and then</p> <p>8 it's gone by the Board Chair to then select how</p> <p>9 many of us had the same ones at the top or not.</p> <p>10 It's a process that works through that. I know</p> <p>11 you know that.</p> <p>12 So I know some of mine didn't make it</p> <p>13 through that I could hire, et cetera.</p> <p>14 BY MS. SCHULMAN:</p> <p>15 Q. Did Danny Martinez's -- did your</p> <p>16 experience with Danny Martinez affect how you</p> <p>17 ranked him?</p> <p>18 A. The totality of everything that day</p> <p>19 is what affected how I ranked him.</p> <p>20 Q. Is it your testimony that there was</p> <p>21 no information based on your personal contact</p> <p>22 with Danny Martinez prior to the Board interview</p> <p>23 that affected your ranking?</p> <p>24 MS. COLLINS: Objection;</p> <p>25 form.</p>	<p style="text-align: right;">65</p> <p>1 recorded, and any follow-up questions, any</p> <p>2 clarification.</p> <p>3 So I believe how it was introduced is</p> <p>4 in his Closing Statement, Danny Martinez made</p> <p>5 some effect -- a statement to the effect of, "You</p> <p>6 know, there were issues in the past and I want to</p> <p>7 move forward."</p> <p>8 Those were not his exact words.</p> <p>9 That's what I recall is my perception of what he</p> <p>10 said.</p> <p>11 Q. Uh-huh.</p> <p>12 A. So then the Board had no knowledge of</p> <p>13 it. So then -- okay. They had knowledge because</p> <p>14 it's in the file, but to elaborate on it, that's</p> <p>15 when Chief Goodwin had asked for me to state what</p> <p>16 I knew since I had firsthand knowledge being on</p> <p>17 scene.</p> <p>18 Q. And what did you say?</p> <p>19 A. I explained the events from when I</p> <p>20 de-escalated it arriving on scene.</p> <p>21 Q. Did you express your opinion about</p> <p>22 Danny Martinez and his level of culpability with</p> <p>23 regard to that event?</p> <p>24 MS. COLLINS: Objection;</p> <p>25 form.</p>

<p>66</p> <p>1 You can answer.</p> <p>2 A. I don't recall my exact words, but in</p> <p>3 stating the event, just like I have today, I</p> <p>4 would have stated that there was concerns over</p> <p>5 his acceptance of responsibility for it.</p> <p>6 BY MS. SCHULMAN:</p> <p>7 Q. During the Promotion Board interview,</p> <p>8 did Danny Martinez express his perspective that</p> <p>9 he had -- did he take responsibility for it</p> <p>10 during his interview and during the Promotional</p> <p>11 Board?</p> <p>12 A. That's my recall, yes, ma'am.</p> <p>13 Q. So he did -- he did at that point,</p> <p>14 correct?</p> <p>15 MS. COLLINS: Objection;</p> <p>16 form.</p> <p>17 A. This interview, yes, ma'am.</p> <p>18 THE WITNESS: I'm</p> <p>19 sorry.</p> <p>20 MS. COLLINS: You're</p> <p>21 fine, Captain Krueger.</p> <p>22 BY MS. SCHULMAN:</p> <p>23 Q. During the interview and during the</p> <p>24 period of time when you were asked to give your</p> <p>25 perspective about what happened to the other</p>	<p>68</p> <p>1 member at the end of the whole process to say</p> <p>2 whether you get them shredded or you maintain</p> <p>3 them, so I shred all my notes.</p> <p>4 Q. Why do you shred your notes?</p> <p>5 A. I don't need any more clutter. The</p> <p>6 process is finished and it's a recorded event.</p> <p>7 Q. Just to educate me, at what point do</p> <p>8 you have the opportunity to say, "I want to shred</p> <p>9 these notes" as opposed to "I want to turn these</p> <p>10 notes over"?</p> <p>11 MS. COLLINS: Objection;</p> <p>12 form.</p> <p>13 THE WITNESS: I can</p> <p>14 answer, then?</p> <p>15 MS. COLLINS: Yes. Go</p> <p>16 ahead.</p> <p>17 THE WITNESS: My</p> <p>18 apologies.</p> <p>19 A. At the very end of the process, the</p> <p>20 Chair of the Board, whichever Board it may be,</p> <p>21 will ask if -- we have to go on record saying if</p> <p>22 we're retaining our notes or if we're shredding</p> <p>23 our notes.</p> <p>24 BY MS. SCHULMAN:</p> <p>25 Q. Did you also interview Gabe Nava?</p>
<p>67</p> <p>1 Board members, was Danny Martinez present during</p> <p>2 that portion of the Board proceedings, or was</p> <p>3 this a private conversation between the Board</p> <p>4 members after he had already left?</p> <p>5 A. He was not present. I wouldn't say</p> <p>6 it was private because it's recorded, the entire</p> <p>7 conversation, as we discuss each applicant.</p> <p>8 Q. Did the Assistant Chief or Chief</p> <p>9 Goodwin express his views about the C-1 or any of</p> <p>10 the events leading to it?</p> <p>11 MS. COLLINS: Objection;</p> <p>12 form.</p> <p>13 You can answer.</p> <p>14 A. I don't recall what the Chief said.</p> <p>15 BY MS. SCHULMAN:</p> <p>16 Q. Did you have any notes that you had</p> <p>17 taken at the time that you reviewed each of the</p> <p>18 Board packets?</p> <p>19 Did you take any notes as you were</p> <p>20 preparing for the Promotional Board?</p> <p>21 A. So in advance we review the 113,</p> <p>22 special -- we have to -- we had a lot of</p> <p>23 candidates, so, yes, sir, I took notes, and then</p> <p>24 during the actual interviews, I took notes.</p> <p>25 Then you have a right as a Board</p>	<p>69</p> <p>1 A. Yes, ma'am. On the Board?</p> <p>2 Q. Yes. During this --</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. He was on the same Board, was he not?</p> <p>5 A. Correct.</p> <p>6 Q. And did you perceive him to be</p> <p>7 suitable for promotion to Captain at that point?</p> <p>8 MS. COLLINS: Objection;</p> <p>9 form.</p> <p>10 You can answer.</p> <p>11 A. Yes. I did rank him in my hire rank,</p> <p>12 yes, ma'am.</p> <p>13 BY MS. SCHULMAN:</p> <p>14 Q. As between Gabe Nava and Danny</p> <p>15 Martinez, why did you perceive Gabe Nava to be</p> <p>16 suitable for promotion but not Danny Martinez?</p> <p>17 A. So at that time Gabe Nava --</p> <p>18 Lieutenant Nava had more in-depth cases that he</p> <p>19 was reporting on his 113.</p> <p>20 For instance, we had a transnational</p> <p>21 case -- "we," because I was his Captain, so</p> <p>22 really it was him and his Agents -- that was</p> <p>23 presented into Washington D.C. for the unique and</p> <p>24 methods used in the sense of we sent them several</p> <p>25 times down to Mexico City working with multiple</p>

<p>70</p> <p>1 countries. It's that type of case that's very 2 rare in our Department; it that's level. 3 In working with the other agencies, 4 the type of resources that were utilized were 5 unique. And I don't know how much this goes 6 open, so it would be just a certain type of wire 7 that hadn't been used within law enforcement in 8 this area. May I be vague like that? 9 MS. COLLINS: I'm 10 going to instruct her to be 11 vague like that. The case is 12 ongoing -- 13 MS. SCHULMAN: That's 14 fine. 15 MS. COLLINS: Okay. 16 Thank you. 17 A. It was a notification that -- okay. 18 So the amount of work, and the different type of 19 work, and the level of work that he had done. 20 He had also conducted multiple 21 controlled deliveries out of state, working with 22 multiple agencies, so just the type and nature of 23 work and level that had been done. Not taking 24 away, because, again, my belief is Danny is a 25 very good worker and he does great work.</p>	<p>72</p> <p>1 returned back to El Paso? 2 A. I don't have an exact date, and to 3 know this, I was out of the country for the whole 4 month of October. So when I came back, I know he 5 was here, and due to the nature of my work, I 6 have yet to see him since I returned to work and 7 since he's transferred to El Paso. 8 Q. Okay. So is he now -- are you now 9 his direct report? 10 A. No, ma'am. 11 Q. And to whom does he now report? 12 A. He now reports to Captain Nava, 13 formally known as Lieutenant Nava. 14 Q. Was there some sort of a 15 reorganization in the El Paso office involving 16 who was a direct report and -- and kind of 17 reconfiguring everything at about the same time 18 that Lieutenant Martinez returned to El Paso? 19 MS. COLLINS: Objection; 20 form. 21 You can answer. 22 A. So there was a reconfiguration, but 23 the changes occurred before I even left out of 24 the country. 25 The triggering event was we had</p>
<p>71</p> <p>1 Moving into Austin and then his 113 2 at the time, what we look at is what's more 3 current work and where are you well-rounded, and 4 the type of work he's been doing. 5 So that's the difference that I saw 6 between Lieutenant Martinez and Lieutenant Nava, 7 Gabe and Danny. 8 BY MS. SCHULMAN: 9 Q. Did the Chief ask for you to speak to 10 the issue of Gabe Nava's C-1? 11 A. Yes. 12 Q. And what did you say with regard to 13 that? 14 A. I presented the same situation of 15 what I've said here, that, yes, he was on scene, 16 yes, I had to de-escalate a situation, it was -- 17 but I still -- he's accountable for his behavior, 18 but also the same thing is there is another 19 supervisor who was held more accountable on 20 scene, in my opinion. 21 Q. Lieutenant Martinez has now 22 transferred back to El Paso; is that correct? 23 A. Correct. 24 Q. In the process of his transfer or 25 return -- well, do you recall when he actually</p>	<p>73</p> <p>1 Captain Wilburn, who I mentioned earlier, he 2 retired, and that way we were able to move 3 forward with our Major -- who previously I would 4 have said "the new Major"; he's been here a 5 couple of years now -- so Major Matt Mull wanted 6 to align our unit similar to what's been going on 7 across the state, and basically making it a TAG 8 Captain, where the units would be -- we have 9 three units in the TAG, so those three 10 Lieutenants would now fall under the direct 11 supervision of a Captain. 12 So that created -- because of the 13 Captain retiring and pushing forward now with 14 what the Major had had a goal to do, that was a 15 restructuring. 16 BY MS. SCHULMAN: 17 Q. What is a TAG, please? 18 A. I'm sorry. Yes, ma'am. The Texas 19 Anti-Gang. So it's a building that's run by the 20 Executive Board. I mean, they are all in the 21 same building, but it's multi-agency. 22 So we have -- SO, DPS, PD, all -- A, 23 B, C, D, E, all of the Federal agencies, they are 24 all housed together in the TAG, and what we have 25 is Human Trafficking and two Gang Lieutenants in</p>

<div style="text-align: right;">74</div> <p>1 that area.</p> <p>2 MS. SCHULMAN: I need to</p> <p>3 take a quick break, but I think I'm</p> <p>4 almost done.</p> <p>5 MS. COLLINS: Okay.</p> <p>6 Sounds good.</p> <p>7 THE COURT REPORTER: We're</p> <p>8 going off the record at 10:49 a.m.</p> <p>9 (Recess held from 10:49 a.m. to 10:52 a.m.)</p> <p>10 THE COURT REPORTER: We're</p> <p>11 going back on the record at 10:52</p> <p>12 a.m.</p> <p>13 MS. SCHULMAN: Captain</p> <p>14 Krueger, thank you for your time.</p> <p>15 I will pass the witness.</p> <p>16 MS. COLLINS: We will</p> <p>17 reserve our questioning for trial.</p> <p>18 We would request a read and</p> <p>19 sign copy of the transcript for the</p> <p>20 witness.</p> <p>21 THE COURT REPORTER: Okay.</p> <p>22 Would you like to order a copy, as</p> <p>23 well?</p> <p>24 MS. COLLINS: Yes,</p> <p>25 please.</p>	<div style="text-align: right;">76</div> <p>1 CHANGES AND SIGNATURE</p> <p>2 HEATHER KRUEGER DECEMBER 6, 2022</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 40%;">CHANGE</th> <th style="width: 40%;">REASON</th> </tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </table>	PAGE	LINE	CHANGE	REASON	4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25			
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<div style="text-align: right;">75</div> <p>1 THE COURT REPORTER: Okay.</p> <p>2 We're going off the record at 10:52</p> <p>3 a.m.</p> <p>4 (Deposition concluded at 10:52 a.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<div style="text-align: right;">77</div> <p>1 _____</p> <p>2 _____</p> <p>3</p> <p>4 _____</p> <p style="text-align: center;">HEATHER KRUEGER</p> <p>5</p> <p>6 STATE OF _____)</p> <p>7 COUNTY OF _____)</p> <p>8</p> <p>9 Subscribed and sworn to before me by the</p> <p>10 said witness, HEATHER KRUEGER, on this the</p> <p>11 _____ day of _____, 2023,</p> <p>12 subject to the aforementioned corrections/</p> <p>13 changes, if any.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____</p> <p style="text-align: center;">Notary Public in and for</p> <p style="text-align: center;">the State of _____</p> <p>19</p> <p>20</p> <p>21 My Commission Expires: _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																																																												

<p>78</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 I, TOMMI RUTLEDGE GRAY, TEXAS CSR NO.</p> <p>3 1693, Certified Shorthand Reporter, Registered</p> <p>4 Professional Reporter, and Certified Realtime</p> <p>5 Reporter, certify:</p> <p>6 That the foregoing proceedings were taken</p> <p>7 remotely before me via Zoom videoconferencing, at</p> <p>8 which time the witness was remotely put under</p> <p>9 oath by me;</p> <p>10 That the testimony of the witness, the</p> <p>11 questions propounded, and all objections and</p> <p>12 statements made at the time of the examination</p> <p>13 were recorded remotely stenographically by me and</p> <p>14 were thereafter transcribed;</p> <p>15 That the foregoing 78 pages are a true and</p> <p>16 correct transcript of my shorthand notes so</p> <p>17 taken.</p> <p>18 I further certify that I am not a relative</p> <p>19 or employee of any attorney of the parties, nor</p> <p>20 financially interested in the action.</p> <p>21 I further certify that before the</p> <p>22 completion of the deposition, the Deponent, FACT</p> <p>23 WITNESS HEATHER KRUEGER, and/or Counsel for the</p> <p>24 DEFENDANTS, TEXAS DEPARTMENT OF PUBLIC SAFETY,</p> <p>25 AND DIRECTOR STEVEN C. MCCRAW, IN HIS OFFICIAL</p>	
<p>79</p> <p>1 CAPACITY, ___XX___ did _____ did not request</p> <p>2 to review the transcript.</p> <p>3 I declare under penalty of perjury under</p> <p>4 the laws of Texas that the foregoing is true and</p> <p>5 correct.</p> <p>6 Dated this 26th day of December, 2022.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 TOMMI RUTLEDGE GRAY, Texas CSR 1693</p> <p>17 Expiration Date: 10/31/23</p> <p>18 Firm Registration #528</p> <p>19 INTEGRITY LEGAL SUPPORT SOLUTIONS</p> <p>20 9901 Brodie Lane, Suite 160-400</p> <p>21 Austin, Texas 78748</p> <p>22 Telephone - 512.320.8690</p> <p>23 www.integritylegal.support</p> <p>24</p> <p>25</p>	